

CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON

ORDINANCE NO. 1080

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON REVISING AND UPDATING CHAPTER 14.08 LSMC DEFINITIONS; REVISING LSMC 14.16C.080 PLANNED NEIGHBORHOOD DEVELOPMENTS; REVISING CHAPTER 14.36 LSMC ZONING DISTRICTS AND ZONING MAPS; REVISING PORTIONS OF CHAPTER 14.38 LSMC; REVISING TABLE 14.40-I TABLE OF PERMISSABLE USES BY ZONE; REVISING PORTIONS OF CHAPTER 14.44 LSMC SUPPLEMENTARY USE REGULATIONS; REVISING TABLE 14.76-I SCREENING REQUIREMENTS; REVISING PORTIONS OF CHAPTER 14.48 LSMC DENSITY AND DIMENSIONAL REGULATIONS; AND PROVIDING FOR SEVERABILITY SUMMARY PUBLICATION BY ORDINANCE TITLE AND AN EFFECTIVE DATE.

WHEREAS, Washington State has adopted the Growth Management Act and requires local governments to adopt comprehensive plans and implementing regulations; and

WHEREAS, The City Council has been reviewing updated zoning requirements for the city to accommodate missing middle housing and state changes made through House Bill 1923 that require cities to consider flexible tools to promote efficient and affordable housing options as reflected through the adoption of reduced minimum lot sizes, promoting duplexes and adding lot size averaging provisions; and

WHEREAS, Staff created an outreach program to discuss these issues with an advisory committee comprised of interested citizens and industry constituents, and the City Council and the Planning Commission have been briefed on the project multiple times; and

WHEREAS, on December 24, 2019, the City's SEPA Responsible Official complied with the State Environmental Policy Act (SEPA) by issuing a Determination of Nonsignificance (DNS) for the proposed amendments; and

WHEREAS, on December 19, 2019, the city submitted the proposed code amendments to the Department of Commerce for review (Submittal ID 2019-S-1048). No comments were received; and

WHEREAS, on February 19, 2020, the City held a duly noticed public hearing with the Planning Commission to discuss the proposed code updates and amendments; and

WHEREAS, the Planning Commission adopted Findings, Conclusion and a Recommendation to the City Council which is attached hereto (Exhibit A) and incorporated by this reference; and

WHEREAS, on March 10, 2020, the City held a duly noticed public hearing with the City Council to review the proposed code updates and amendments; and

WHEREAS, the City Council has determined that it is in the public interest and in furtherance of the public health and welfare to adopt the proposed code updates and amendments, as set forth below.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS DO
ORDAIN AS FOLLOWS:

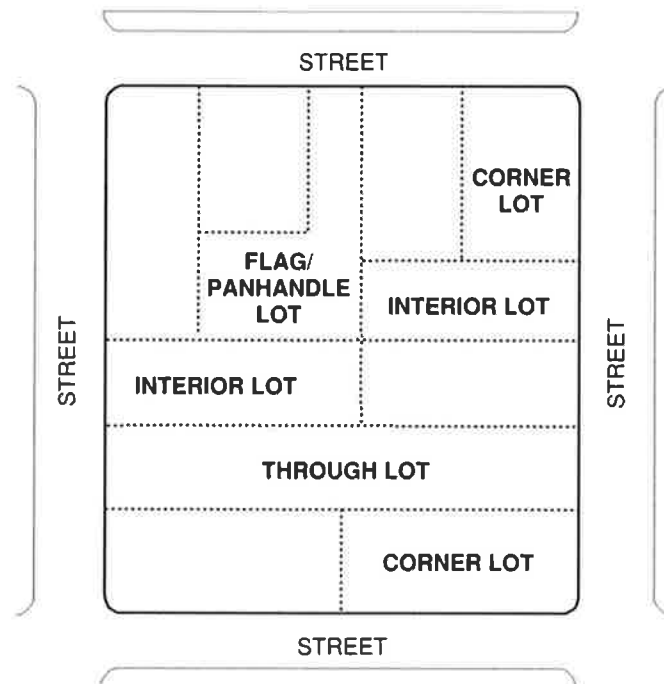
SECTION 1. The City Council hereby makes the following findings:

- A. This ordinance amending the City's municipal code changing zoning regulations was sent to the Washington State Department of Commerce for expedited review on December 19, 2019 as required by the Growth Management Act; no comments were received.
- B. The requirements of Chapter 14.16C.075 LSMC for land use code amendments have been met.
- C. As required by LSMC 14.16C.075(f), the adoption and amendment of codes are consistent with the Comprehensive Plan, comply with the Growth Management Act and serve to advance the public health, safety and welfare.
- D. Adoption of reduced minimum lot sizes and adding provisions for lot size averaging furthers the city's commitment to providing varied housing options pursuant to House Bill 1923.
- E. The Findings of Fact, Conclusions and Recommendation of the Planning Commission attached hereto is hereby approved and adopted by the City Council as its own (**Exhibit A**).

SECTION 2. Chapter 14.08 LSMC – Definitions is hereby amended to include the new and revised definitions (all other sections remain unchanged):

- 1. Add definition for Adjusted gross density. The number of dwelling units divided by the net buildable area.
- 2. Revise definition for Cluster. A group of residential dwelling units arranged around usable open space or a common open area.
- 3. Revise definition for Cottage Housing Development. One or more groups of single-family dwelling units clustered around a common area and developed with a coherent plan, detached parking, common elements, and visually consistent landscaping and architecture for the site in accordance with Chapter 14.46 Part II Cottage Housing Development Standards.
- 4. Add definition for Fee Simple: a form of freehold ownership, a permanent and absolute tenure of an estate in land with freedom to dispose of it at will.
- 5. Add definition for Fourplex. A building containing only four dwelling units.
- 6. Add definition for Garden/Courtyard Apartment: A residential development that shares a landscaped courtyard. The structure or structures are arranged around a garden court with parking typically consolidated and located to the side or rear of the development.
- 7. Revise definition for Infill Development. The development or redevelopment of vacant or underutilized residential land that is surrounded by other development, utility easements or critical areas and buffers.
- 8. Under Lot, Add definitions and illustration as follows:
 - 1. "Corner lot" means a lot bounded on two adjacent sides by intersecting public streets.
 - 2. "Flag or panhandle lot" means a lot where the front and rear lot lines conform to zoning code requirements for lot dimensions and lot sizes except for the panhandle. The panhandle is a narrow strip of land which does not, itself, meet the full frontage or width requirements of a lot and will be utilized principally for access purposes from an improved public right-of-way.

3. "Interior lot" means a lot abutting only one street.
4. "Through lot" means a lot with frontage on two parallel or approximately parallel streets.



9. Add definition for "Lot area" means the total horizontal area within the boundary lines of a lot, excluding any access easements or panhandles.
10. Add definition for "Lot Width" means the horizontal distance between lot sidelines.
11. Add note Panhandle lot. See definitions under "lot"
12. Add definition for "Net buildable area" means gross land area, measured in acres, minus land area in roads, panhandle access and other rights-of-way, surface stormwater retention/detention/water quality facilities, existing easements that will remain, submerged lands, critical areas and buffers, regional utility corridors and land dedicated to the city.
13. Revise definition for Duplex. A building designed exclusively for occupancy by two families containing two dwelling units with separate entrances and sharing a common wall that may include side walls, floors or ceilings. Duplexes may be located either on one lot or on separate lots This definition does not include single-family dwellings within an approved accessory dwelling unit.
14. Add note, Through lot. See definitions under "lot"
15. Add definition for Triplex. A building containing three dwelling units.
16. Add definition for "Zero lot line development" allows single-family residences, sharing a common street frontage, to shift to one side of a lot. This means that the same side of each lot may have a zero or reduced setback.

SECTION 3. LSMC 14.16C.080 is hereby amended to read as follows:

14.16C.080 Planned Neighborhood Developments.

- (a) The purpose of this section is to allow a larger, integrated development with characteristics of up to three different zoning districts constructed under a single application.
- (b) Procedure. Planned neighborhood developments shall be reviewed in the manner and following the procedures established in Chapters 14.16A and 14.16B for a Type IV review.
- (c) Standards. The following standards shall be met:
 - (1) In a planned neighborhood development, the developer may make use of the land for any purpose authorized in a PND development in which the land is located, subject to the provisions of this title. No area of less than 10 contiguous, developable acres may be zoned as a PND district, and then only upon the request of the owner or owners of all the property intended to be covered by such zone.
 - (2) Each PND district shall include a medium density residential element, comprised of R4, R6 or R8-12 depending on the underlying zoning district. Within that portion of the PND zone that is developed for medium density residential purposes, all development must be in accordance with the regulations applicable to the medium density residential zoning district used in the PND.
 - (3) A second element of each PND district may include a Multi-Family Residential element corresponding to the zoning districts described in Sections 14.36.010(a)(5). Not more than 35 percent of the total area may be developed for higher density residential purposes. Within the portion of the PND developed for higher density residential, all development must be in accordance with the regulations applicable to the zoning district to which the PND district corresponds.
 - (4) A third element of each PND district may include a commercial element or mixed-use element corresponding to the Mixed Use, Local Business or Central Business District zoning districts. Not more than 10 percent of the total area may be developed for commercial purposes. Within that portion of a PND district developed for purposes permissible in a commercial district, all development must be in accordance with the regulations applicable to the commercial district to which the PND district corresponds.
 - (5) The plans for the proposed planned neighborhood development shall indicate the portions of the lot that the developer intends to develop for higher density residential purposes, medium density residential purposes, and commercial or mixed-use purposes. For purposes of determining the substantive regulations that apply to the planned neighborhood development, each portion of the development so designated shall then be treated as if it were a separate district. However, only one permit - a planned neighborhood development permit - shall be issued for the entire development.
 - (6) The nonresidential portions of any planned neighborhood development may not be occupied until all the residential portions of the development are completed or their completion is assured by any of the security mechanisms provided in Section 14.16A.180 (Security Mechanisms) to guarantee completion. The purpose and intent of this provision is to ensure that the planned neighborhood development procedure is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned, primarily residential development.

SECTION 4. Chapter 14.36 is hereby amended to include the new and revised sections as follow (all other sections remain unchanged)

1. 14.36.010 Residential Districts Established.

- (a) The following residential districts are hereby established: R4, WR, R6, R8-12, MFR. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Other objectives of some of these districts are explained in the remainder of this section.
 - (1) R4 – four dwellings per acre. The R4 single-family district is designed primarily to accommodate single-family detached residential uses and at medium densities of four to five dwelling units per net buildable acre with the potential of some density bonuses. Some types of attached and accessory residences may be allowed.
 - (2) The Waterfront Residential district (WR-4) is designed primarily to accommodate single-family detached residential uses at medium densities in areas adjacent to Lake Stevens and served by public water and sewer facilities.
 - (3) R6 – six dwellings per acre. The R6 single-family district is designed primarily to accommodate single-family detached residential uses at medium densities of six to seven dwelling units per net buildable acre with the potential of some density bonuses. Some types of attached and accessory residences may be allowed.
 - (4) R8-12 – eight to 12 dwellings per acre. The R8-12 residential zone is intended to achieve development densities of eight to 12 dwelling units per net buildable acre with the potential of some density bonuses. This zone allows for the development of single-family detached dwellings and attached townhomes.
 - (5) Multifamily Residential district is designed to accommodate attached residential uses at a minimum of 15 units per net buildable acre or more in areas served by public water and sewer facilities

2. 14.36.020 Commercial Districts Established.

- (a) The following commercial districts are hereby established: Business District, Commercial District, Central Business District, and Local Business. and Planned Business District. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this section.
- (b) The Central Business District (CBD) is designed to accommodate a wide variety of commercial activities (particularly those that are pedestrian-oriented) that will result in the most intensive and attractive use of the City's Central Business District.
- (c) The Local Business (LB) zone is designed to accommodate commercial development along arterials to cater to commuters, or as a transition in some areas between a higher intensity zone (e.g., commercial, industrial, etc.) and a lower intensity zone (e.g., residential, park, etc.), or may provide for a smaller scale shopping center that primarily serves one neighborhood or area of the City.
- (d) The Planned Business District (PBD) is designed to accommodate commercial or mixed-use development, including supporting residential structures, generally similar to the types permissible in a Central Business District or Mixed Use zone. It is intended

that this zone be used on sites containing sensitive resources or other sites where, due to property-specific circumstances, detailed planning would benefit all property owners involved as well as the public by, among other things, allowing for comprehensive site planning and a transfer of densities among parcels in order to avoid impacts to sensitive resources.

- (e) The Business District (BD) is designed to promote community and regional employment and accommodate land uses such as corporate offices, general offices, research and development, medical clinics, public and civic uses, technology, and light manufacturing and assembly. This district should be located in areas with direct access to highways and arterials in addition to transit facilities, adequate public services and traffic capacity.
- (f) The Commercial District (CD) is designed to accommodate the high intensity retail needs of the community and regional market by attracting a mix of large to small format retail stores and restaurants to create a vibrant and unified regional shopping center. Transportation accessibility, exposure to highways and arterials with adequate public services and traffic capacity characterize this district.

3. **14.36.025 Mixed-Use Districts (New Section)**

- (a) The following Mixed-Use Districts are hereby established Mixed Use (MU) and Mixed Use Neighborhood (MUN) to accommodate a mix of commercial and residential units at different intensities in transitional areas between commercial and residential areas.
- (b) The Mixed Use (MU) zone is designed to primarily accommodate a horizontally stratified mixture of residential and commercial uses. It is intended that this zoning classification be applied primarily as a transition or buffer zone between commercial or multifamily zones to residential districts.
- (c) The Mixed Use Neighborhood (MUN) zone is designed to accommodate higher density residential development in proximity to employment and retail centers and provide basic convenience goods and services in areas with available public services and adequate traffic capacities. This district would have a minimum density of 15 dwelling units per acre and create a transition between higher and lower intensity land uses.

4. **14.36.030 Manufacturing Industrial Districts Established.**

5. **LSMC 14.36.040 Planned Neighborhood Development Districts Established is repealed in its entirety.**

6. **Table 14.36-I Land Use Designation/Zone Compatibility Matrix**

Table 14.36-I: Land Use Designation/Zone Compatibility Matrix

Zone	Comprehensive Plan Land Use Designation*												
	LDR	MDR	HDR	WR	D/LC	SRC	COM	MU	PBD	LI	GI	GIDA	P/SP
Suburban Residential R4		X											

Waterfront Residential		X		X									
Urban Residential R6		X					X						
High Urban Residential R8-12		X	X				X						
Multi-Family Residential			X										
Neighborhood Commercial	X	X	X										
Local Business					X		X						
Central Business District					X								
Mixed Use								X					
Planned Business District									X				
Sub-Regional Commercial						X							
Light Industrial										X	X		
General Industrial											X		
General Industrial with Development Agreement												X	
Public/Semi-Public	X	X	X	X	X	X	X	X	X	X	X	X	X
Subarea Zones													
Business District							X			X			
Commercial District							X						
Main Street District								X					
Mixed Use Neighborhood								X					

Neighborhood Business							X						
Miscellaneous Designations													
Floodplain and Floodway District	X	X	X	X	X	X		X	X	X	X	X	X
Shoreline Environment Designation	X	X	X	X	X	X		X	X	X	X	X	X

LDR	=	Low Density Residential	MU	=	Mixed Use
MDR	=	Medium Density Residential	PBD	=	Planned Business District
HDR	=	High Density Residential	LI	=	Light Industrial
WR	=	Waterfront Residential	GI	=	General Industrial
D/LC	=	Downtown/Local Commercial	P/SP	=	Public/Semi-Public
SRC	=	Sub-Regional Commercial	COM	=	Commercial (Subareas)
GIDA	=	General Industrial w/Development Agreement			

SECTION 5. Chapter 14.38 LSMC is hereby amended to include the new and revised sections as follow (all other sections remain unchanged). [(NOTE to Code Publishing – renumber remaining code sections with deletions of subsections (c) and (e).]

1. LSMC 14.38.020(c) Mains Street District (MS) is repealed in its entirety.
2. LSMC 14.38.020(e) Neighborhood Business (NB) is repealed in its entirety.
3. LSMC 14.38.020(f) Other zones is amended as follows

(f) Other Zones. The subareas may also contain the R8-12, R6, and Public/Semi-Public (P/SP) zoning districts, as described in Chapter 14.36 or as modified below.

- (1) R8-12. Within the subareas, the purpose of the R8-12 district is to accommodate higher-density residential uses that may include multi-family condominiums, apartments, townhouses and row houses, as well as any small lot single-family residential units or innovative housing options per Chapter 14.46 in areas served by public water and sewer facilities, as well as the other uses described in Table 14.40-I of Chapter 14.40. The dimensional standards for single-family residential districts shall be per Table 14.48-I.
- (2) Public/Semi-Public (P/SP). Within the subareas, the purpose of P/SP district is to accommodate public and semi-public uses, such as schools, government facilities, public utilities, community facilities, parks, etc., as well as the other uses described in Table 14.40-I of Chapter 14.40.

4. **LSMC 14.38.040 Dimensional Regulations.**

Table 14.38-I Dimensional Regulations

Zone	Minimum Lot Size	Building Setback (from lot line, tract or easement) (ft) ^{1,3}		Min. Landscape Buffer (ft) ⁷	Min. First Floor Height (ft)	Max. Height (ft) ^{9, 12}
		Front	Side/Rear			
Commercial Zones						
BD	NA	5	10 ^{4, 5}	5	12	55
CBD	NA	5 ¹	0 ^{1, 5, 6}	5	15	55
CD	NA	5	10 ^{4, 5}	5	15	55 ¹⁰
NB	NA	5	10 ^{4, 5}	5	15	35
Mixed Use Zones						
MS	NA	5 ¹	0 ^{4, 5, 6}	5	15	55
MUN	NA	10 ^{2, 3, 11}	10 ^{5, 6}	5	15 ⁸	45
Residential Zones						
HUR ¹¹	3,600 sq. ft.	10 ^{2, 3}	5 ⁵	5	NA	45
UR	7,500 sq. ft. ¹²	20 ³	5	NA	NA	35

Notes:

1. The minimum required setback is five feet and the maximum allowed setback is 10 feet in the CBD and MS districts to allow an active storefront area.
2. The minimum required setback is 10 feet and the maximum allowed setback is 25 feet, subject to modifications defined in LSMC 14.16C.120.
3. ~~Porches, covered entries, or pedestrian-oriented spaces may project up to five feet into front yard setbacks in residential districts.~~
4. Districts that allow commercial uses shall maintain a 10-foot, Type B screen when adjacent to residential zones, per Section 14.76.040(a).
5. Structures 35 feet or taller next to single-family districts must be stepped back five feet for every floor over 35 feet per Figure 14.38-II.

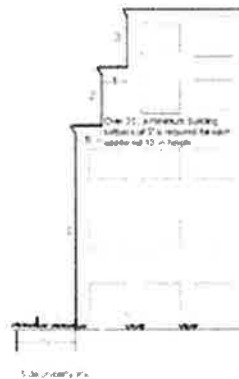


Figure 14.38-II illustrates stepping back the upper stories of a structure, adapted from the Everett Municipal Code.

6. Attached housing units or attached commercial structures built on separate lots can be built to the common property line. The outside setback for attached structures abutting a right-of-way, separate detached structures, or a different zone shall be 10 feet.
7. Landscape buffers will be comprised of a Type C screen per Section 14.76.040(a) along side and rear property lines; however, the City may waive the landscape buffer when adjacent properties share parking, access, or other common features that make intensive landscaping impractical. In addition, perimeter landscape buffer along property lines of adjacent high-density single-family lots is not required; however, screening different developments from neighboring properties will provide separation, vegetation and define each development.
8. The first-floor height of residential structures in the MUN district, without an attached retail/service component, not facing a public right-of-way may be reduced to industry standard.
9. If a project includes a parking structure or affordable housing as described in Section 14.38.050(a), the City will also allow an overall height increase of 10 feet above maximum height.
10. The City will consider an increase in maximum height up to 80 feet with a conditional use permit per Section 14.16C.045.
- ~~11. Maximum impervious surface for parcels in the HUR district is 65 percent.~~
- ~~12. When developed as a planned residential development (Section) the per unit lot size may be reduced to 3,000 square feet for HUR district and 6,000 square feet for the UR district in return for the dedication of additional open space at the ratio of 400 square feet per dwelling unit.~~
- ~~13. Eaves and other minor architectural features may project into the required setback up to 18 inches.~~
14. Building heights in the CBD and P/SP zoning districts west of Main Street between North Lakeshore and 16th Street SE may not exceed 45 feet.

SECTION 6. Table 14.40-I: Table of Permissible Uses (Notes to editor – the following changes need to be made to the table of permissible uses):

1. Change the following zone names as follows
 - SR becomes R4
 - UR becomes R6
 - HUR becomes R8-12
2. Strike NC column in its entirety – this zoning district does not exist
3. Footnotes
 - Strike Footnote 4 – NC zoning District does not exist
 - Update Footnote 8 to reflect zoning district name changes described above
 - Renumber remaining notes with deletions noted

SECTION 7. Chapter 14.44 Supplementary Use Regulations is hereby amended to include revisions to the following sections (all other sections remain unchanged):

1. LSMC 14.44.035 Cottage Housing Developments is repealed in its entirety.
2. LSMC 14.44.095 Neighborhood Commercial is repealed in its entirety.
3. LSMC 14.44.320 Diversity within Planned Residential Districts is repealed in its entirety.

SECTION 8. Chapter 14.48 LSMC Density and Dimensional Regulations is hereby amended to include revisions to the following sections (all other sections remain unchanged):

1. LSMC 14.48.020 Duplexes in Single-Family Zones is hereby amended to read,

Duplexes and two-family conversions in single-family zones shall be allowed on lots having at least 125 percent of the minimum square footage required for one dwelling unit on a lot in such district.

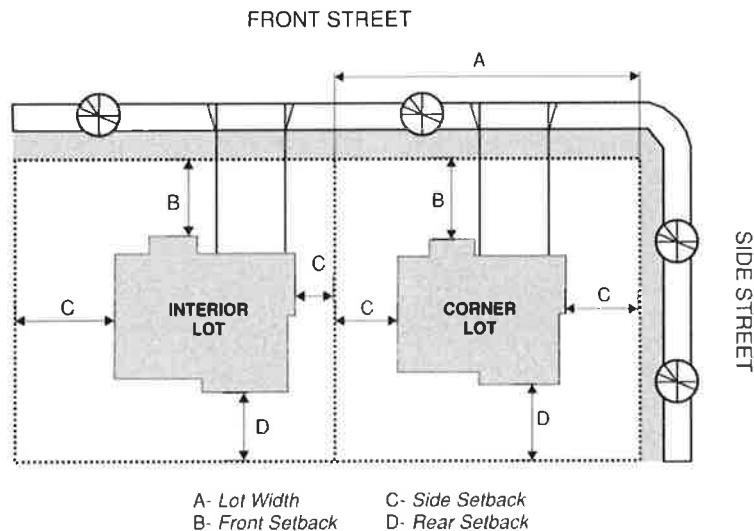
2. LSMC 14.48.030 Minimum Lot Widths is hereby amended to read,

- (a) No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:
 - (1) Could be used for purposes that are permissible in that zoning district; and
 - (2) Could satisfy any applicable setback requirements for that district.
- (b) Without limiting the generality of the foregoing standard, Table 14.48-I establishes minimum lot widths. The lot width shall be measured along a horizontal line between side lot lines measured at approximate right angles at the midway point between the front and rear lot lines.
- (c) No lot created after the effective date of this title that is less than the recommended width shall be entitled to a variance from any building setback requirement.

3. LSMC 14.48.35 Lot Standards is hereby added as follows

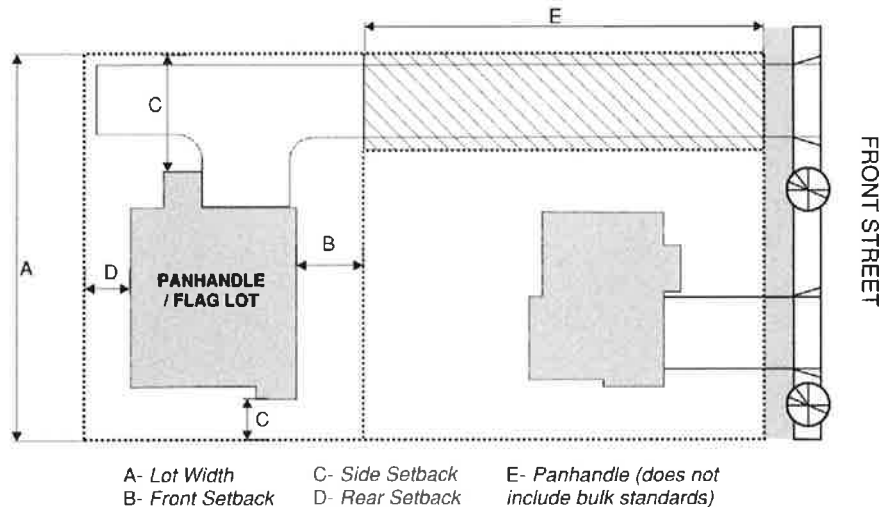
14.48.35 Lot standards.

- (a) Corner lots situated at the intersection of two or more streets shall measure the front setback along the lot line abutting the right-of-way that best conforms to the pattern of existing site development on adjacent lots. Side setbacks along side streets are reduced to 10 feet.
- (b) Interior lots shall measure the front setback along the lot line abutting the right-of-way.



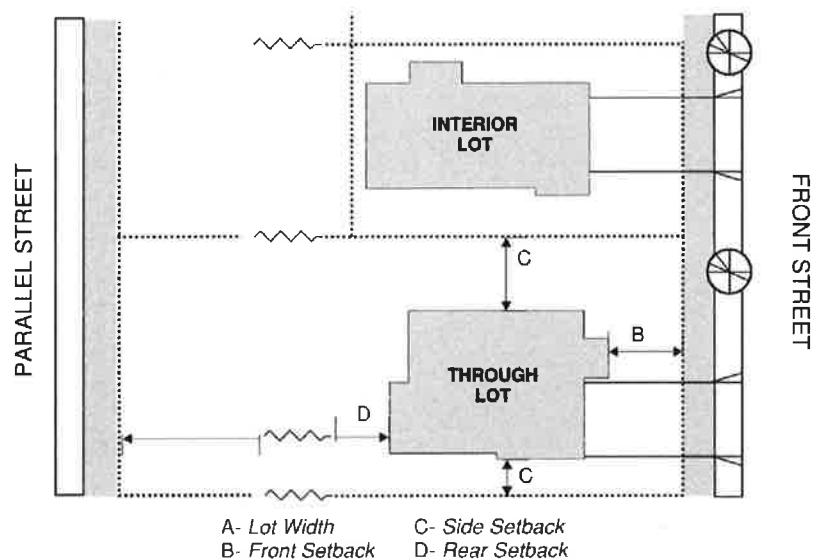
- (c) Panhandle / Flag Lots are lots accessed from the abutting right-of-way by a narrow access corridor of land within the same lot. Panhandle lots shall be allowed subject to the following requirements:
 - (1) Panhandle lots shall meet setback and other dimensional standards, on the portion of the lot outside the panhandle, where the access corridor joins the wide portion of the lot. The area within the panhandle access corridor shall not be used to determine lot area, lot width, lot depth or impervious area for the lot.

- (2) The panhandle shall provide direct access to a paved public or private street. The access corridor shall maintain a minimum width of 15 feet, a minimum height clearance of 12 feet and meet the city's engineering standards.
- (3) There shall not be more than two contiguous panhandle lots where the panhandles abut. In such cases the panhandles can be reduced to 10 feet per lot.
- (4) All requirements of the fire code shall be met, including access, turnarounds and sprinklers as applicable.
- (5) No buildings shall be erected within the panhandle access.



Typical configuration for panhandle lot. Setbacks and orientation can vary based on site conditions.

- (d) Through lots include lots with parallel or approximately parallel streets shall measure the front setback along the lot line abutting the right-of-way that best conforms to the pattern of existing site development on adjacent lots or that that lot line which abuts a nonarterial street. The other lot line abutting a right-of-way shall be considered a rear yard.

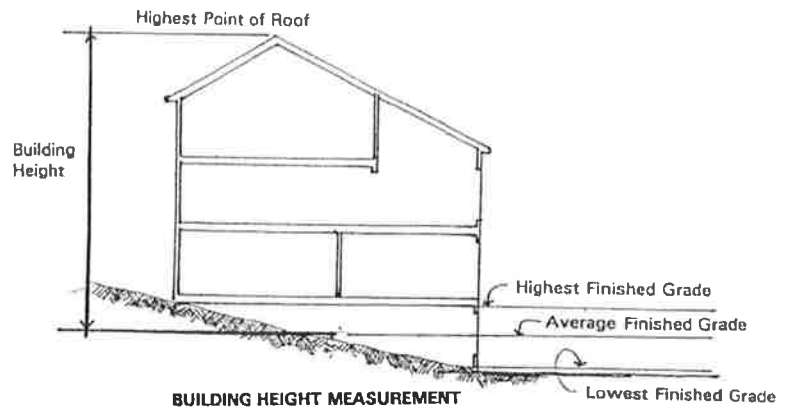
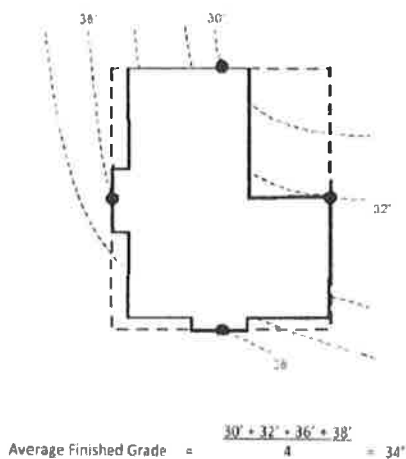


4. 14.48.040 Building Setback Requirements is hereby amended to read,
- (a) Table 14.48-I and Table 14.48-II set forth the minimum building and freestanding sign setbacks required from lot lines.
 - (1) Setbacks from access easements and access tracts are considered lot line setbacks for the purpose of determining front setbacks.
 - (2) As used in this section, the term “building” includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. It also includes any element that is substantially a part of the building, such as bay windows and chimneys, and not a mere appendage, such as a flagpole. Without limiting the generality of the foregoing, for the purpose of determining setbacks the following structures are to be considered buildings:
 - (i) Gas pumps and overhead canopies or roofs;
 - (ii) Fences, walls, and hedges (see Chapter 14.52 for height and setback requirements).
 - (b) Whenever a lot in a residential district abuts a nonresidential district, and its required setback is greater than that of the nonresidential lot, the non-residentially zoned lot shall observe the more restrictive setback. Where a lot zoned General or Light Industrial shares a boundary with a residentially zoned lot, the setback for the industrial property along that common boundary shall be 30 feet.
 - (c) All docks and other permissible overwater structures shall be set back pursuant to the Shoreline Master Program, Chapter 4, Section C.3. For the purposes of this section each property line extending into the lake shall be construed as extending at the same angle as the property line on shore.
5. LSMC 14.48.045 Accessory Structures is hereby added as follows
- 14.48.045 Accessory Structures
- (a) In single-family residential zones, accessory structures must meet the following conditions:
 - (1) The gross floor area of all accessory structures shall not exceed 200 square feet without a building permit,
 - (2) The height of the accessory structure shall not exceed 12 feet without a building permit, and
 - (3) The accessory structure shall be no closer to the front property line than that of the principal dwelling unit.
6. LSMC 14.48.050 Exceptions to Building Setback Requirements is hereby amended to read,
- (a) The following modifications to the setback requirements identified in Section 14.48.040 shall be allowed:
 - (1) In all single-family residential zones, the building setbacks from the street of the underlying zone may be reduced by five feet for living portions of the principal house or open porches. This reduction does not apply to garages or carports.
 - (2) Exterior mechanical equipment including air conditioners, heat pumps and similar may extend up to 32 inches into the required side setback provided emergency access is not impaired.
 - (3) Eaves and other minor architectural features may project into the required setback up to 18 inches.

7. LSMC 14.48.055 Maximum Impervious Surface is hereby repealed in its entirety.
8. LSMC 14.48.060 Building Height Limitations is hereby amended to read,

14.48.060 Building Height Limitations.

- (a) For purposes of this section the height of a building shall be the vertical distance measured from the mean elevation of the finished grade along four points of the proposed building to the highest point of the building. The height of fences, walls, and hedges is as set forth in Chapter 14.52. The average finished grade shall be determined by first delineating the smallest square or rectangle which can enclose the building and then averaging the ground elevations taken at the midpoint of each side of the square or rectangle.



- (b) Building height limitations in the various zoning districts shall be as listed in Table 14.48-I and Table 14.48-II.
- (c) The following features are exempt from the district height limitations set forth in subsection (b) of this section, provided they conform to the standards contained in subsection (d) of this section:
 - (1) Chimneys, church spires, elevator shafts, and similar structural appendages not intended as places of occupancy or storage;
 - (2) Flagpoles and similar devices;
 - (3) Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures, and devices.
- (d) The features listed in subsection (c) of this section are exempt from the height limitations set forth in subsection (b) of this section if they conform to the following requirements:
 - (1) Not more than one-third of the total roof area may be consumed by such features.
 - (2) The features described in subsection (c)(3) of this section must be set back from the edge of the roof a minimum distance of one foot for every foot by which such features extend above the roof surface of the principal building to which they are attached.
 - (3) The permit-issuing authority may authorize or require that parapet walls be constructed (up to a height not exceeding that of the features screened) to shield the features listed in subsections (c)(1) and (3) of this section from view.

- (e) Towers and antennas which exceed the height limit of the zone district are allowed to the extent authorized in the Table of Permissible Uses, use classification 18.000
9. LSMC 14.48.085 Density Calculation and Lot Size averaging is hereby added as follows
- 14.48.085 Density Calculation and Lot Size Averaging
- (a) The density calculation for new residential developments and subdivisions shall be based on an adjusted gross density as follows, unless otherwise defined in this title.
 - (1) Subtract the actual percentage of the area devoted to infrastructure and other encumbrances including but not limited to streets and stormwater, existing easements, utility corridors, etc. from the gross development area up to 25 percent of the gross development area to determine the net buildable area.
 - (2) Divide the net buildable area by the minimum lot size of the underlying zoning district to determine the maximum adjusted gross density.
 - (3) For the multifamily residential zoning district, the minimum density is 15 units per acre. The maximum density will be limited by bulk standards, maximum height, required open space, parking and other zoning standards of this title.
 - (4) Limitations. Nothing contained within this chapter guarantees the maximum adjusted gross density will be attained. The adjusted gross density may not always be achievable due to unique site considerations including, but not limited to critical areas, topography, right-of-way dedications, utility easements, open space requirements and stormwater requirements.
 - (5) When the adjusted gross density is determined, if the calculation for lots or units results in a fraction of 0.5 or greater the number shall be rounded up to the next whole number.
 - (b) Lot size averaging. After calculating the adjusted gross density, the proponent may apply limited lot size averaging provisions up to the amount necessary to achieve the adjusted gross density. The proponent may use one of the following methods, unless dimensional standards are modified by other sections of this title, including but not limited to planned residential developments, cluster subdivisions and infill development:
 - (1) The proponent may reduce lot sizes by 10 percent within the residential development and/or subdivision provided no other dimensional reductions are applied; or
 - (2) The proponent may reduce lot widths within the residential development and/or subdivision by 10 percent. In no case shall lots be less than 40 feet wide provided no lot size reductions are applied.
10. LSMC 14.48.100 Rural Subdivisions is hereby repealed in its entirety including text and figures.
11. Table 14.48-I: Density and Dimensional Standards is hereby replaced with Table 14.48-I Residential Density and Dimensional Standards and Table 14.48-II as follows

Table 14.48-I: Residential Density and Dimensional Standards¹

Zoning District	Lot Size		Lot Width	Front Setback ²	Side Setback	Rear Setback	Maximum Impervious Area ⁶	Maximum Height
R4	8,000 sq ft		60-feet internal 65-feet corner	25-feet	15 total (no less than 5-feet one side)	20-feet	50%	35
WR	9,600 sq ft		variable - not less than 50-feet	25-feet	15 total (no less than 5-feet one side)	20-feet ⁷	40% ⁵	35
R6	6,000 sq ft		50-feet internal 55-feet corner	20 - feet	10 total (no less than 5-feet one side)	15-feet	55%	35
R8 – 12 ³	Detached	4,000 sq ft	45-feet internal 50-feet corner	15 - feet (25-feet max.) ⁸	10 total (no less than 5-feet one side)	10-feet	65%	35
	Attached	2,800 sq ft	16-feet internal 26-feet corner	15 - feet (25-feet max.) ⁸	10-feet between other districts or buildings onsite	10-feet	75%	45
MFR	none		20 feet ⁴	variable	10-feet between other districts or buildings onsite	10-feet between other districts	80%	55

Notes:

1. Unless otherwise stated, the dimensional standards refer to minimum requirements.
2. The minimum required setback for garages is 20 feet from the front lot line to ensure sufficient space for cars to park in driveways without blocking sidewalks.
3. The R8-12 zoning district applies two sets of development standards depending if the project is a detached single-family or attached townhouse development. Developments may apply a mix of standards if both types of housing are represented in the project up to the maximum adjusted gross density.
4. 20-foot minimum street frontage.
5. Per Lake Stevens Shoreline Master Program

6. The allowance for impervious surfaces shall only apply to parcels with adequate stormwater facilities developed following the 2012 Washington State Department of Ecology Storm Water Management Manual for Western Washington, as amended in 2014, as now or hereafter revised; otherwise the lot coverage remains 40% for single-family zones (R4, R6 and WR) and 65% for the R8-12 zoning district on existing developed parcels.”
7. The Lake Stevens Shoreline Master Program requires a 50-foot buffer from the lake and 10-foot setback. On Waterfront Residential parcels separated from the lake by roads the rear (upland setback is 20-feet); otherwise, rear setbacks from the water will be per the Lake Stevens Shoreline Master Program.
8. The maximum driveway length is mandatory for standard platted lots. Exceptions to this standard may be considered on a case basis for infill lots and lots with unique site conditions including but not limited to critical areas, topography and location of easements and utility corridors.

Table 14.48-II: Non-residential Density and Dimensional Standards¹

Zoning District	Minimum Street Frontage⁸	Front Setback	Side Setback^{2,3}	Rear Setback³	Min. Landscape Buffer (ft)³	Height^{4,5}
Commercial Zones⁶						
Business District	20	5	10	10	5	55
Central Business District	20	5	10	10	5	55
Commercial District	20	5	10	10	5	55
Local Business	20	5	10	10	5	45
Planned Business District ⁷	20	10	10	10	5	45
Public/Semi-Public	20	5	10	10	5	55
Industrial Zones⁶						
Light Industrial	20	20	10	10	5	45
General Industrial	20	20	10	10	5	55
Mixed Use Zones						
Mixed-Use	20	10	10	10	5	55
Mixed-Use Neighborhood	20	10	10	10	5	45

Notes

1. Districts that allow commercial uses shall maintain a 10-foot, Type B screen when adjacent to residential zones, per Section 14.76.040(a).
2. Attached housing units or attached commercial structures built on separate lots can be built to the common property line. The outside setback for attached structures abutting a right-of-way, separate detached structures, or a different zone shall be 10 feet.
3. Landscape buffers will be comprised of a Type C screen per LSMC 14.76.040 next to side and rear property lines; however, the City may waive the landscape buffer when adjacent properties share parking, access, or other common features that make intensive landscaping impractical. In addition, perimeter landscape buffer next to property lines of adjacent high-density single-family lots is not required; however, screening different developments from neighboring properties will provide separation, vegetation and define each development.
4. Structures 35 feet or taller next to single-family districts must be stepped back five feet for every floor over 35 feet

5. The minimum first floor height in commercial and mixed-use zoning districts is 15-feet; however, residential structures in mixed-use districts, without an attached retail/service component, not facing a public right-of-way may be reduced to industry standard.
6. The City will consider an increase in maximum height up to 80 feet with a conditional use permit per Section 14.16C.045.
7. Development standards are found in LSMC 14.44.090 Planned Business District.
8. Minimum street frontage refers to having either a direct physical connection to a street or right-of-way; or access is provided through an easement.

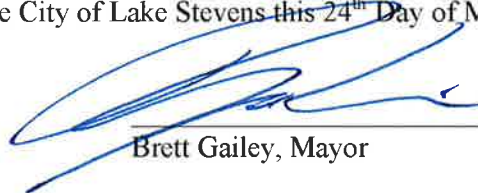
SECTION 9. 14.76.090 Additional Screening Requirements (Notes to editor – the following changes need to be made to Table 14.76-I Screening Requirements):

1. Change the following zone names as follows
 - SR becomes R4
 - UR becomes R6
 - HUR becomes R8-12
2. Strike NC column in its entirety – this zoning district does not exist

SECTION 10. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 11. Effective Date and Publication. The summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five (5) days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 24th Day of March 2020.




Brett Gailey, Mayor

ATTEST/AUTHENTICATION:

By 
Kathy Pugh, City Clerk

APPROVED AS TO FORM:



Greg Rubstello, City Attorney

First Reading: March 10, 2020

Second and Final Reading: March 24, 2020

Published: March 27, 2020

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